LWG
LOWER WILLAMETTE GROUP

Memorandum

To: Eric Blischke and Chip Humphrey, EPA Region 10

From: Lower Willamette Group

CC:

Date: December 7, 2009

Re: List of FS Related Items Needing Resolution Before the Full Alternatives Screening Analysis Can Occur (and items not needing resolution).

During the November 17, 2009 LWG and EPA meeting on Example Alternatives Screening Analysis, the LWG agreed to provide EPA with a summarized list of items noted during the meeting that require resolution before the full Alternatives Screening Analysis can take place. (Similarly, it was agreed that LWG would provide a list of outstanding items that do not require resolution with EPA in order for the LWG to proceed with the full Alternatives Screening Analysis.) This memo presents the summarized list of items, including a brief summary of the LWG proposed path forward to resolving each item.

ITEMS REQUIRING RESOLUTION

Probable Benthic Risk Areas – The LWG submitted to EPA the Benthic Toxicity Reanalysis Technical Memo dated November 13, 2009. The methods contained in this memo are relevant to defining Probable Benthic Risk Areas (PBRAs) to complete this aspect of the Areas of Potential Concern (AOPC) delineation for the Alternatives Screening.

Proposed Resolution Process: EPA would provide an expedited written response to the technical memo. LWG and EPA would reach mutual agreement via focused technical/management meetings (as necessary) containing key technical staff and EPA/LWG managers (the latter hereafter referred to as "focused technical meetings").

ARARs and Their Application – An agreed to list of those ARARs that affect the alternatives screening evaluation and a basic set of methods for their application during FS effectiveness evaluations (among other aspects of the FS) is needed. Key concepts needing resolution include, at least, generally defining:

- cap/Confined Disposal Facility (CDF)/Confined Aquatic Disposal (CAD) effectiveness evaluation methods
- short-term impacts evaluation methods for dredging technologies, particularly pertaining to determining when silt curtains and other robust water quality controls are needed.

Proposed Resolution Process: EPA indicated they would comment on LWG's submittals on ARARs issues by November 2009. These comments still pending but are needed as soon as possible, and then the LWG and EPA would reach mutual agreement via focused technical/legal meetings (as necessary) containing key technical and/or legal staff and EPA/LWG managers.

Application of PRGs – EPA has selected some key Preliminary Remediation Goals (PRGs) to be used in preliminary AOPC delineation. These PRGs are still interim and the LWG reserves all rights to suggest further refinements. However, to proceed with the alternatives screening, the LWG can use these interim PRGs until such time as they are refined later in the process. Additional information is needed on EPA's risk management framework as implied by these interim PRGs, particularly related to the use of other interim PRGs (or not) so that LWG can 1) further delineate localized AOPCs as necessary, 2) define unacceptable risks in the "site-wide" AOPC, 3) define no action areas, 4) define subsurface volumes of "contaminated" sediment, 5) define acceptable levels that sediment remedies are expected to achieve.

Proposed Resolution Process: EPA would provide a risk management framework description to LWG. Alternatively, EPA could use the LWG proposed approach presented in the May 2009 AOPC work shop. The LWG could provide more description of this methodology as it relates to the objectives above, if desired.

Background – The use of background for the purposes of setting AOPC boundaries, determining no action areas, and acceptable recontamination/MNR levels needs further definition before the Alternatives Screening can begin.

Proposed Resolution Process: The LWG will compile a summarized "history" of background discussions and agreements on the project so far to assist EPA and their contractors in framing the issue. After this is provided, EPA and LWG would schedule focused technical meetings to discuss approaches to developing background levels for the above purposes and to seek agreement upon an approach, which would be documented in writing.

ESA & Mitigation Framework – EPA has directed the LWG to include ESA compliance and mitigation requirements in the development of alternatives for the FS. To meet this requirement, the LWG needs a better understanding of the criteria, methods, and information required to assess impacts to critical and other aquatic habitat caused by remedial alternatives, and methods to define conservation measures to be incorporated into the remedial alternatives to ensure ESA compliance and actions to mitigate for these habitat changes.

Proposed Resolution Process: The LWG, EPA, and NMFS will meet on December 11, 2009 to discuss the basic framework for ESA compliance and mitigation. Expecting that a path forward can be agreed upon, additional meetings will be set to define the necessary "framework" and develop a written memorandum describing that "framework".

Level of Post Construction Remedy Monitoring – EPA and LWG have not even generally discussed the expected levels and types of post remedy monitoring. A general mutual understanding of the expected level of effort (as it relates to all likely remedial technologies such as MNR, capping, CAD/CDFs, and dredging) is needed to factor these monitoring costs into detailed alternative costs.

Proposed Resolution Process: A focused technical meeting with EPA and LWG would likely provide the needed general description of monitoring requirements, and depending on the meeting results, might be followed up with a brief written description of any understandings developed.

Chemical Fate Modeling for MNR/Recontamination Analysis – A revised chemical fate model (QEA Fate) is currently under development. EPA has approved continued development of this model. Agreement on a calibrated version of the model that can be used for MNR/ Recontamination analyses is needed.

Proposed Resolution Process: EPA and LWG have agreed to have a model calibration check-in in January 2010, assuming EPA does not require other currently unplanned work such as increased calibration/sensitivity analyses or modeling of additional chemicals. LWG will be seeking EPA approval, either during the check-in or shortly thereafter, to use the calibrated model in the FS. This existing process should continue to be used to reach needed agreements on chemical fate modeling.

ITEMS THAT DO NOT REQUIRE RESOLUTION

HST Model Erosion and Cap/CAD/CDF Armoring Analyses – The general use of the Hydrodynamic and Sediment Transport (HST) model has been agreed to by EPA. EPA requested some additional exercises to evaluate the model and the LWG is complying with these requests. Consequently, the LWG will use the accepted model for the analysis of potential future erosion areas and determining cap/CAD/CDF armoring requirements and will present the results of such analyses in the FS Report.

Propwash/Wave Erosion Analyses – These are ancillary analyses of potential mechanisms causing erosion, other than the primary force of river currents evaluated with the HST model. The LWG is currently analyzing these other mechanisms using methods that are generally accepted (and reasonably conservative) for use in an FS level of evaluation. These analyses are somewhat qualitative in nature, and support general site knowledge about where propwash action (i.e., near docks) and wave action (i.e., surf zone along shorelines) would likely cause erosion. Given the ancillary nature of these analyses and the expedited FS schedule, detailed resolution of these methods with EPA prior to FS submittal is not recommended.